

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:02-CR-110-1-F

UNITED STATES OF AMERICA,)
)
)
v.)
)
REGINALD JONES,)
Defendant.)

O R D E R

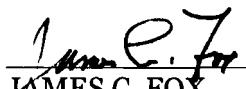
By order of June 2, 2011, the court denied Reginald Jones's motion for an order directing the Bureau of Prisons to credit his federal sentence for time spent in state custody. *See* [DE-36]. The order advised Jones that he because he was challenging the manner in which his sentence is being executed or administered, he must pursue relief through a habeas action under 28 U.S.C. § 2241. *See id.*

On June 6, 2011, Jones filed another motion seeking a modification of his sentence and release from state custody in Utah into federal custody. *See* [DE-37]. Jones relies on *Barden v. Keohane*, 921 F.2d 476 (3d Cir. 1990). *Barden*, a case brought pursuant to 28 U.S.C. § 2241, held that the federal Bureau of Prisons has wide discretion to designate the place of confinement for purposes of serving federal sentences of imprisonment. The appellate court remanded Barden's § 2241 case to the district court so that the *Bureau of Prisons* could consider Barden's request concerning the designation of the facility in which he would serve his federal sentence. It is the BOP, not the federal courts, that decide where a federally convicted inmate will be housed for service of his federal sentence. *See, e.g., Browell v. Beeler*, 135 Fed. App'x 590, 593, n.1 (4th Cir. 2005) (another § 2241 case noting that "[18 U.S.C.] Section 3621(b) . . . authorizes BOP to designate a state facility as the place of federal confinement) (citing *United States v. Evans*, 159 F.3d 908, 911-12 (4th Cir. 1998) and *Barden*, 921 F.2d at 478).

Jones's Motion to Modify Sentence and Release [DE-37] is DENIED without prejudice to file an appropriate § 2241 motion in the correct federal district court.

SO ORDERED.

This the 8th day of June, 2011.



JAMES C. FOX
Senior United States District Judge